FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO.1892 OF 2003

Chhotelal Ramadhar Pathak & ors. ..Appellants
V/s.
Ghanshyam Sitalaprasad Pathak ..Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Mr.R.D.Sharma for the appellants.

Coram : R.S.Mohite,J

Date : 03.12.2004.

PC

1. This is a first appeal filed against the order passed by the City Civil court on 1.2.2003 dismising the plaintiffs' suit. A perusal of the plaint would indicate that the plaintiffs' suit was for the declaration in respect of the suit premises which were constructed premises bearing No.18/20, Renuka Niwas, Parel village, Bombay-12. The plaintiffs had sought a declaration that they have a right to reside in the suit

premises unless they have evicted by due process of law. They have also sought a permanent injunction for restraining the defendant for dispossessing the plaintiffs from the said suit premises.

2. Pending the disposal of the suit, the suit premises has collapsed. The suit came to be dismissed and hence the only point which is argued is a point of law i.e. that the plaintiff would still have a right to claim tenancy in respect of the land on which the suit premises had been standing. There is no substance in this contention as the suit did not seek any relief pertaining to his right on the land or in respect of the said land. It is still open to the plaintiff to move the appropriate Court if he seeks any further relief in the matter.

. In this view of the matter, appeal is summarily dismissed.

(R.S.Mohite,J)